

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JESSE PIERCE and MICHAEL PIERCE,	)	
on behalf of themselves and all others	)	
similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:13-CV-641-PLR-CCS
	)	
WYNDHAM VACATION RESORTS, INC., and	)	
WYNDHAM VACATION OWNERSHIP, INC.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Joint Motion Regarding Discovery [Doc. 155]. The parties are set to appear before the undersigned on October 22, 2015, to address Defendants' Motion for Relief and Reconsideration from the Magistrate Judge's Order [Doc. 148] and Plaintiffs' Motion to Modify the September 25, 2015 Memorandum and Order and Request to Extend the Deadline for Plaintiffs to Provide Initial Disclosures [Doc. 153]. The parties have met and conferred regarding the issues presented in these motions and have memorialized their agreement in the Joint Motion Regarding Discovery.

The Court has reviewed and fully considered the contents of the Joint Motion Regarding Discovery. The Court finds that the Joint Motion [Doc. 155] is well-taken, and it is **GRANTED**. Therefore, it is hereby **ORDERED**:

1. The Court's previous Memorandum and Order [Doc. 147] is **MODIFIED** to extend the deadline for the parties to exchange initial disclosures from October 16, 2015, to **October 26, 2015**.
2. Consistent with the Court's previous Memorandum and Order [Doc. 147], Plaintiffs shall provide a statement of the claimed overtime for the two named Plaintiffs and the four opt-in Plaintiffs on or before **November 20, 2015**. Thereafter, the parties will confer in good faith regarding the nature and scope of production regarding the named Plaintiffs' and the four opt-in Plaintiffs' credit card statements and cell phone records during the Recovery Period, including the possibility of sampling. If the parties are unable to reach an agreement on these issues, the parties will notify the Court for resolution on or before **January 8, 2016**.
3. Defendants agree to withdraw their Notice to Take Depositions without prejudice. The parties agree to work amicably to schedule the depositions of the two named Plaintiffs and the four opt-in Plaintiffs after the production of the credit card statements and cell phone records and will use their best efforts to schedule and take these depositions in December 2015, and if necessary, early January 2016.
4. The Defendants' Motion for Relief and Reconsideration from the Magistrate Judge's Order [Doc. 148] and Plaintiffs' Motion to Modify the September 25, 2015 Memorandum and Order and Request to Extend the Deadline for Plaintiffs to Provide Initial Disclosures

[Doc. 153] are **DENIED AS MOOT**, based upon the parties' agreement, and the hearing scheduled for **October 22, 2015**, is **CANCELLED**.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge